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January 25, 2016

BY ECF

The Honorable Richard J. Sullivan
United States District Judge
Southern District of New York
40 Foley Square
New York, NY 10007

Re: *The New York Times Company v. powerHouse Books*, 15-cv-9706 (RJS)

Dear Judge Sullivan:


I write on behalf of Plaintiff The New York Times Company ("The Times"), with the consent of Defendants powerHouse Books and Daniel Power, to respectfully request the adjournment of the initial status conference, currently scheduled for 11:30 a.m. on February 5, 2016, in the above-referenced copyright matter.

The Times's Complaint alleges that the Defendants violated The Times's copyright by publishing reproductions of New York Times front pages inside the back cover of the book "War Is Beautiful: The New York Times Pictorial Guide to the Glamour of Armed Conflict." Defendants have answered and asserted a fair use defense. On January 18, 2016, Defendants filed a third-party complaint against David Shields, the book's author, and the law firm of Donaldson Callif, which represented Mr. Shields. The third-party complaint alleges that Mr. Shields and Donaldson Callif are liable for any copyright infringement that may have occurred. To date, neither of those parties has appeared or answered.

I request that the conference be adjourned for thirty days so that the new parties have an opportunity to respond to the third-party complaint and to confer with Plaintiff and Defendants about the content of the joint pre-conference letter.

I thank the Court for its consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "D E McCraw", with a long horizontal stroke extending to the right.

David E. McCraw

cc: Joseph J. Haspel, Counsel for Defendants
Donaldson Callif (for itself and David Shields)
(both via email)